

REMARKS

Applicants have carefully reviewed the Office Action dated September 8, 2004. Claims 1 and 2 are pending in the application. Applicants have amended Claim 1 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1 and 2 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending Application 09/382,427 (now issued as U.S. Patent No. 6,829,650) and 09/494,956.

With respect to U.S. Patent No. 6,829,650, this patent has associated therewith Claims that are directed toward the use of an audio signal for effecting a connection to a network. However, there is no mention of sending profile information to an advertising location. As such, Applicants believe that this reference does not obviate Applicants' present inventive concept, as defined by the amended Claims. Therefore, Applicants respectfully request withdrawal of this provisional rejection.

Claims 1 and 2 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-14 of U.S. Patent No. 6,594,705, Claims 1-27 of U.S. Patent No. 6,636,896 and Claims 1-18 of U.S. Patent No. 6,098,106.

The '705 patent has claims which, although utilizing encoded information in the broadcast, there is no profile information disclosed in the Claims as being sent to an advertiser location for the purpose of providing information in return thereto. The '106 patent, with respect to Claims 17 and 18, provides for the transmission of profile information to the remote location and is the subject of an enclosed Terminal Disclaimer. The claims of the '896 reference do not provide for the retrieval of the profile information and then transmission of the profile information from the user's computer to the remote location for use thereby to return information that is based upon that user profile information. As such, neither of the two references, the '705 patent or the '896 patent are believed to obviate Applicants'

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present inventive concept. Therefore, Applicants respectfully request the withdrawal of the rejection under the judicially created doctrine of obviousness-type double patenting with respect to the '705 and '896 patents.

The Examiner indicates that it would have been obvious in view of *Reese* to combine *Reese* with these references because *Reese* shows content customization based upon user profiles. Applicants believe that there is more required than just the concept of content customization, as this is well recognized.

Although not specifically rejected, Applicants believe that the combination of the three references and *Reese* does not obviate or anticipate Applicants' present inventive concepts as set forth in the amended Claims.

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over a combination of *Wolzien*, *Hudetz* and *Reese*, this being the rejection addressed in the prior response. As set forth in the prior response, the *Wolzien* reference is a reference that allows an individual to extract information from a broadcast and utilize that information for the purpose of connecting to some location. This information contains routing information. The *Hudetz* reference is a reference that utilizes information that has no routing information associated therewith and utilizes this information to "pull" information from a data base. Although the Examiner indicates that there is some automatic information in *Hudetz*, the disclosure clearly sets forth that the only way to obtain information from the remote data base is to request the information and have that information returned as an HTML page. There is nothing in an HTML page that will allow an automatic operation. Rather, there is some action at the user computer to facilitate such a connection. Since this is a "pull" operation, there is no need nor desire to send any user profile information to the remote site, since the remote site is just a data base or a lookup table that returns information. Thus, *Hudetz* has no motivation or teaching that would even suggest that one would want to send profile information to any location. The *Reese* reference sends profile information to a server for content customization. The question is whether one of ordinary skill in the art would be motivated to combine *Reese* with the combination of either *Wolzien* or *Hudetz* or with a combination

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of both. Certainly, *Hudetz* has no suggestion that there is any more than a mere lookup being performed. This is just a data base access. This is also the case with respect to *Wolzien*. *Wolzien* is a system wherein a user, once obtaining URL information followed by a web access, then makes a decision as to whether they want to access a particular site. There is no connection between the transmission of the broadcast and the actual connection to the site. In Applicants' present inventive concept, as defined by the amended Claims, it is required that the broadcast and the connection to the advertiser be "linked." This link requires that profile information be sent to the advertiser. Therefore, the person generating the broadcast, assuming that the user's PC is connected, will then know that one action will occur and that will be connection to an advertiser's location based upon the unique code, and also that connection to the advertiser's location will include profile information. In *Wolzien*, there is no way to know what will be sent to the remote location when the user connects utilizing the information embedded in the broadcast, since there is no "control" over the user's computer. That is the same situation with respect to *Hudetz* in that the person generating the code, the manufacturer that prints the barcode on the label, has no control over what happens to that barcode or what use is made of it. As such, Applicants believe that the *Wolzien* and *Hudetz* references do not provide the necessary motivation to utilize the teachings of *Reese* to not only connect to a remote location in conjunction with a received code from a broadcast, but also send to the remote location profile information for the purpose of returning customized content. As such, Applicants believe that the *Wolzien* reference and the *Hudetz* reference and the *Reese* reference, taken singularly or in combination, do not anticipate or obviate Applicants' present inventive concept as defined by the amended Claims. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claim 1.

With respect to Claim 2, Claim 2 sets forth that the profile information is to be extracted from a remote data base and returned in conjunction with the routing information to the advertiser's data base to the user's computer and then transmit it from the user's computer to the advertiser's location. Certainly, nothing in the cited references discloses such.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims.

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as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to
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Respectfully submitted,
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